

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB381)

Received: 08/26/2003

Received By: gmalaise

Wanted: 08/29/2003

Identical to LRB:

For: Bonnie Ladwig (608) 266-9171

By/Representing: Herself

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Addl. Drafters:

Subject: Health - miscellaneous
Criminal Law - crimes agnst kids

Extra Copies: DAK

Submit via email: YES

Requester's email: Rep.Ladwig@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Ear piercing of minors; parental consent required

Instructions:

Place prohibition against piercing ears of minor in ch. 948--crimes against children.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 08/26/2003	kgilfoy 08/27/2003					
/1			pgreensl 08/28/2003		mbarman 08/28/2003	mbarman 08/28/2003	
/2	gmalaise	kgilfoy	rschluet		sbasford	sbasford	

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	09/22/2003	09/22/2003	09/23/2003	_____	09/23/2003	09/23/2003	

FE Sent For:

<END>

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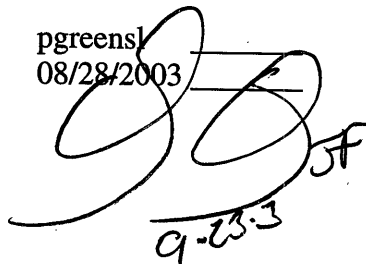
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08/28/2003 09:46:39 AM

Page 2

FE Sent For: ^{2x}

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08/26/2003 05:28:10 PM

Page 1

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Criminal Law - crimes agnst kids**Extra Copies: **DAK**

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/?

gmalaise

1-8/26
Kmg8/27
PS8/28
PDR

FE Sent For:

<END>

2003

Date (time)
needed

Fri 8/29

LRBs 0156, 1

**SUBSTITUTE AMENDMENT
[TO A BILL]**

GMM KING: _____

Use the appropriate components and routines developed for substitute amendments.

§ (A) SUBSTITUTE AMENDMENT

TO 2003 ~~SB~~ **AB** 381 (LRB- _____)

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to: _____

[NOTE: See section 4.02 (2) (b), Drafting Manual, for specific order of standard phrases.]

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.

2003 ASSEMBLY BILL 381

June 5, 2003 - Introduced by Representatives LADWIG, JENSEN, TURNER, ALBERS, BIES, HAHN, M. LEHMAN, NASS, OWENS, PETROWSKI, TAYLOR, TOWNSEND and VRAKAS, cosponsored by Senator KEDZIE. Referred to Committee on Family Law.

1 AN ACT *to amend* 252.24 (title) and 252.25; and *to create* 252.24 (3m) of the
 2 statutes; **relating to:** requiring informed consent by a ~~parent~~ *child's* parent or
 3 guardian for the ~~child's~~ ear piercing, and providing a penalty *Regulate*

Substitute amendment

Analysis by the Legislative Reference Bureau

Under current law, body piercing, body piercers, and body-piercing establishments are regulated by the Department of Health and Family Services (DHFS). "Body piercing" is defined as perforating any human body part or human tissue, except an ear, and placing a foreign object in the perforation in order to prevent the perforation from closing. Current DHFS rules prohibit the body piercing of persons under 16 years; the rules also prohibit the body piercing of persons aged 16 or 17 years unless an informed consent form is signed by the person's parent or legal guardian in the presence of the owner or other person responsible for the operation of the establishment.

or with This ~~bill~~ prohibits an establishment that employs or contracts with a licensed body piercer ~~or~~ *child* a person who exclusively engages in piercing ears from permitting the employee or contractor to pierce the ear of a ~~minor~~ *child's*, for a fee, unless an informed consent for the piercing is signed by the ~~minor's~~ *child's* parent or legal guardian in the presence of the piercer.

ASSEMBLY BILL 381

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 252.24 (title) of the statutes is amended to read:

252.24 (title) ~~Regulation of body piercing and body piercing establishments; ear piercing of a minor without parental consent prohibited.~~ (B) 948.71 (child) No CS (B) (1)

SECTION 2. ~~252.24 (3m)~~ of the statutes is created to read:

(B) 948.71 252.24 (3m) EAR PIERCING OF A MINOR; PARENTAL CONSENT REQUIRED. No establishment that employs or contracts with a person who is licensed as a body piercer under sub. (3) ~~or with~~ a person who exclusively engages in piercing ears may permit the employee or contractor to pierce the ear of ~~a~~ attempt to pierce the ear of a ~~minor~~ ^(child) for a fee unless an informed consent form for the ~~minor~~ ^(child's) has been signed by the ~~minor's~~ parent or guardian in the presence of the piercer. or offer to pierce the ear of

SECTION 3. 252.25 of the statutes is amended to read:

252.25 Violation of law relating to health. Any Except as provided in s. 252.24 (3m). any person who willfully violates or obstructs the execution of any state statute or rule, county, city or village ordinance or departmental order under this chapter and relating to the public health, for which no other penalty is prescribed, shall be imprisoned for not more than 30 days or fined not more than \$500 or both.

(END)

(B) (2) Any person who violates sub. (1) is subject to a Class D forfeiture.



State of Wisconsin

2003 - 2004 LEGISLATURE

Week # 9/22

LRBs0156/1
GMM:kmg:pg

2
DR

ASSEMBLY SUBSTITUTE AMENDMENT, TO 2003 ASSEMBLY BILL 381

piercing the ear of a child or

Gen. Cat.

1 AN ACT ~~to create~~ 948.71 of the statutes; relating to: requiring informed consent
2 by a child's parent or guardian for the child's ear piercing and providing a
3 penalty.

the owner or operator of an ear-piercing

Analysis by the Legislative Reference Bureau

Under current law, body piercing, body piercers, and body-piercing establishments are regulated by the Department of Health and Family Services (DHFS). "Body piercing" is defined as perforating any human body part or human tissue, except an ear, and placing a foreign object in the perforation in order to prevent the perforation from closing. Current DHFS rules prohibit the body piercing of persons under 16 years; the rules also prohibit the body piercing of persons aged 16 or 17 years unless an informed consent form is signed by the person's parent or legal guardian in the presence of the owner or other person responsible for the operation of the establishment.

This substitute amendment prohibits ~~an establishment that employs or contracts with a licensed body piercer or with a person who exclusively engages in piercing ears from permitting the employee or contractor to pierce the ear of a child,~~

(an)

of the ear-piercing establishment

owner, operator

compensation

employee, or contractor who performs the ear piercing

for ~~the~~, unless an informed consent for the piercing is signed by the child's parent or legal guardian in the presence of the piercer.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

start line 1

1 SECTION 1. 948.71 of the statutes is created to read:

2 **948.71 Ear piercing of a child; parental consent required.** (1) No
3 establishment that employs or contracts with a person who is licensed as a body
4 piercer under s. 252.24 (3) or with a person who exclusively engages in piercing ears
5 may permit the employee or contractor to pierce the ear of, attempt to pierce the ear
6 of, or offer to pierce the ear of a child for ~~any~~ ^{compensation} unless an informed consent form for
7 the child has been signed by the child's parent or guardian in the presence of the
8 owner, operator, employee, or contractor who performs the ear piercing piercer.

9 (2) Any person who violates sub. (1) is subject to a Class D forfeiture.

(END)

owner or operator of an
ear-piercing establishment



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa0958/1
GMM:kmg:rs

Insert 2-5 ✓

ASSEMBLY AMENDMENT,
TO ASSEMBLY SUBSTITUTE AMENDMENT (LRBs0156/1),
TO 2003 ASSEMBLY BILL 381

¶ (2) "Indirect payment" ^{under an agreement} includes payment for the purchase of an earring in which the ear-piercing establishment includes a free ear piercing with the purchase.

1 At the locations indicated, amend the ~~substitute amendment~~ as follows:

2 1. Page 2, line 2: delete lines 2 to 5 and substitute:

3 948.71 Ear piercing of a child; parental consent required. (1) In this
4 section:

5 (a) "Compensation" means direct or indirect payment, including the
6 expectation of payment whether or not actually received.

7 (b) "Ear piercing" means perforating the ear of another and placing a foreign
8 object in the perforation in order to prevent the perforation from closing.

9 (c) "Ear-piercing establishment" means a business that performs ear piercing.

10 (2) No owner or operator of an ear-piercing establishment may permit an
11 employee or contractor of the ear-piercing establishment to pierce the ear of, attempt
12 to pierce the ear of

pierce the ear of, attempt to pierce the ear of, or offer
to pierce the ear of a child for compensation or